

# Exhibit 108

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Coval, Paul J.

From: SWARTZ, JOHN ROXUS [ROXUS/ROXUS1/SWARTZ]  
Sent: Wednesday, September 03, 1997 8:23 AM  
To: FELDMAN, RICHARD ROXUS  
Subject: FW: Pricing - Meperidine, Ipratropium, and Thioridazine Intensol

From: WATERER, JUDY ROXUS  
To: WALSH, GERALD ROXUS  
Cc: FELDMAN, RICHARD ROXUS; LEHR, PEGGY ROXUS; POWERS, JOHN ROXUS; SWARTZ, JOHN ROXUS; TUPA, EDWARD ROXUS  
Subject: RE: Pricing - Meperidine, Ipratropium, and Thioridazine Intensol  
Date: Wednesday, July 16, 1997 1:40PM

Thanks for the competitive update. Looks like we lose on the intensol, but great news on the IB-UDV and meperidine.

What will it take for us to get the meperidine??... Our WAC is just about their dead net acquisition price from Barr already, but our AWP's are higher than Barr's. This makes our product more profitable for the pharmacies to sell - Not MAC'd yet!! At similar pricing, we'll be preferred by the pharmacy - a fact our reps are not forgetting to mention! That's a value Bergen can take to their customers and get mileage out of! By switching to Roxane, Bergen will be bringing increased profits to their customers, and illustrating that they're doing a good job of protecting the retail pharmacy's interests.....

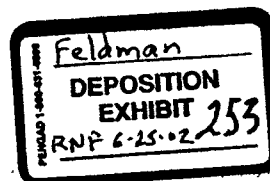
Bergen's current Dey IB-UDV cost is higher than our \$18.65 - 6% (\$17.53). I don't know if it's worth a mention or not, I'd only suggest it if we could win back the business - don't want them to just go to Dey and get a price concession.... But, it goes to show that if they'd gotten on board with us and stayed, they'd probably be being treated more fairly, and probably have come out further ahead in the long run....

From: LEHR, PEGGY ROXUS  
Sent: Wednesday, July 16, 1997 9:15 AM  
To: WATERER, JUDY ROXUS  
Cc: FELDMAN, RICHARD ROXUS; POWERS, JOHN ROXUS; SWARTZ, JOHN ROXUS; TUPA, EDWARD ROXUS; WALSH, GERALD ROXUS  
Subject: Pricing - Meperidine, Ipratropium, and Thioridazine Intensol

Jerry Walsh asked me to forward the attached memo vial e-mail ...

W  
PRCING.DOC

Peggy Lehr



ROX-05632